

# **EXHIBIT 28**

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**Case No: 1:22-cv-22538 (Altman/Reid)**

PIERCE ROBERTSON, RACHEL GOLD,  
SANFORD GOLD, RAHIL SAYED,  
CHRISTOPHER EHRENTAUT, TODD  
MANGANIELLO, DAN NEWSOM, WILLIAM  
AYER, ANTHONY DORN, DAMECO GATES,  
*MARSHALL PETERS, and EDWIN GARRISON,*  
on behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

MARK CUBAN, and DALLAS BASKETBALL  
LIMITED, d/b/a DALLAS MAVERICKS.

Defendants.

**DECLARATION OF MARK CUBAN**

I, Mark Cuban, under penalty of perjury, state as follows:

1. I am a defendant in the above-captioned action and submit this declaration in support of the motion to dismiss for lack of personal jurisdiction by Dallas Basketball Limited *d/b/a Dallas Mavericks and me in the above-captioned action. Except as otherwise indicated, this* declaration is submitted on personal knowledge.

2. I reside in Dallas, Texas, and Dallas, Texas is my primary residence.

3. I am registered to vote in Texas, and have a Texas issued driver's license.

4. I am the majority owner of the Dallas Mavericks NBA team, which is registered as a Texas Limited Partnership, doing business as Dallas Basketball Limited. While Dallas Basketball Limited is a party to an October 2021 sponsorship agreement (the "Sponsorship Agreement") with Voyager Digital Holdings, Inc. ("Voyager"), I am not personally a party to such Sponsorship Agreement, nor have I at any time been an employee, officer or director of Voyager.

5. On October 27, 2021, I met Stephen Ehrlich of Voyager for the first time, in Dallas, when there was a short press conference, announcing that Voyager had become a sponsor for the Mavericks. I may have briefly met Mr. Ehrlich on one other occasion, in Dallas, when the Mavericks held an annual charity event for a foundation run by the Mavericks which was attended by a number of people.

6. While I beneficially own two vacation condominium units (at the same address) in Miami Beach, I do not own, either directly or beneficially, any other real property in Florida.

7. I have no bank accounts in Florida.

8. I periodically visit Florida, including to attend Mavericks away games, to attend conferences, and on vacation. In 2021, I visited Florida, including to attend away games of the Mavericks, three times (the last time in May 2021), and in 2022, I have visited Florida four times

to date. I do not anticipate being in Florida again during the balance of 2022. At no time have any of the foregoing visits to Florida had any connection to Voyager. Indeed, at no time have I done anything with or in connection with Voyager while in Florida. Nor to the best of my knowledge, have I ever made any statements in Florida about Voyager or Voyager's business.

9. I am advised that Plaintiffs in this action attempted to serve me in Dallas, Texas with the Summons and Complaint by leaving a copy of the Summons and Complaint with a security guard at my residence in Dallas when I was not home. I was never personally served.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 15th day of November, 2022 in Dallas, Texas.

By:   
Mark Cuban